

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET

1. File Number: 40197	2. Status Change Date: 4/2/2019	3. Change Num: C2	4. Field Office: 01	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 26-DEC-2018
8a. Applicant(s) New to system <input type="checkbox"/> MORRIS RWD 01 PO BOX 146 DWIGHT KS 66849		Person ID 34865 Add Seq# 1		
8b. Landowner(s) New to system <input type="checkbox"/> MORRIS RWD 01 PO BOX 146 DWIGHT KS 66849		Person ID 34865 Add Seq# 1		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/>		Person ID 34865 Add Seq# 1 MORRIS RWD 01 PO BOX 146 DWIGHT KS 66849 NO CHANGE		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/19 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/19				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 4/01/19 By: RAK Date Entered: 4/9/2019 By: UM				

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: April 1, 2019
RE: Water Right
File No. 40,196
Appropriation of Water
File No. 40,197

Stephen L. Euler, on behalf of Rural Water District No 1, Morris County, Kansas, owner of the referenced water rights, filed applications for approval to change the authorized points of diversion.

The referenced water rights do not appear abandoned. The perfection period for File No. 40,197 expires December 31, 2021.

The referenced water rights, located in the Kansas River basin, are authorized along with Appropriation of Water, File No. 41,161 for: municipal use within the boundaries of Rural Water District No. 1, Morris County, Kansas and immediate vicinity; within the boundaries of Rural Water District No. 2, Morris County, Kansas and immediate vicinity; within the City of Alta Vista, Kansas and immediate vicinity; and within the City of Dwight, Kansas and immediate vicinity.

File Nos. 40,196 and 40,197 are each authorized one well with no overlaps in the Southwest Quarter (SW $\frac{1}{4}$) of Section 24, Township 11 South, Range 6 East, Geary County, Kansas. File No. 40,196 is authorized 54 m.g.y. and 300 g.p.m. and File No. 40,197 is authorized 54 m.g.y. and 300 g.p.m., limited to 300 g.p.m. when combined with File No. 40,196. The applicant proposes to form a complete overlap in the point of diversion between File Nos. 40,196 and 40,197, creating a battery of two wells to allow flexibility in the amount of water pumped from each well. No new wells are proposed under these applications. The geographic center of the battery of two (2) wells is located 1,434 feet North and 3,756 feet West of the Southeast corner of the aforementioned Section 24, distance moves of approximately 148 feet for each file. The proposed geocenter will meet the requirements of K.A.R. 5-4-4(d)(2) *Well spacing* since the proposed location will not decrease the distance to other wells or authorized well locations by more than 300 feet.

The applications appear to meet K.A.R. 5-2-3 *Battery of Wells*. Although the time to construct diversion works has expired, according to a safe yield calculation by Kristen Baum, Permits Unit Supervisor, a new application to appropriate water at the geocenter of the proposed battery of wells could be approved, and the proposed battery meets the definition of a battery of wells as described in K.A.R. 5-1-1.

According to the submitted map, DWR records and WWC-5, there is the municipal well under common ownership authorized by File No. 41,161, five domestic wells, two cased test wells and one irrigation well (File Nos. 41,086; 45,139; 48,173) within one-half mile of the proposed geocenter. No nearby well owners were notified since the applicant proposes moves of approximately 148 feet from the currently authorized wells to the proposed geocenter. Typically, if a point of diversion change is less than 300 feet from the currently approved point of diversion nearby well owners are not notified.

The two (2) wells to be authorized under the battery will be in the same local source of supply, previously determined to be Main Stem Alluvium (113).

In an e-mail dated March 29, 2019, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to the approval of the referenced applications.

A water flow meter and check valve will be required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

RWD 01 MORRIS COUNTY KS
ATTN STEPHEN L EULER
PO BOX 146
DWIGHT KS 66849

April 12, 2019

FILE COPY

RE: Water Right, File No. 40,196
Appropriation of Water, File No. 40,197

Dear Mr. Euler:

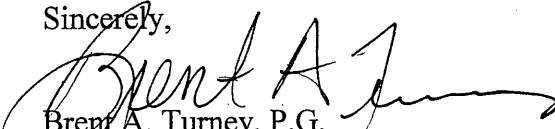
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since the orders modify the original documents referred to above, the order for File No. 40,196 should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

pc: Topeka Field Office

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NO. 40,197**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Stephen L. Euler, on behalf of Rural Water District No. 1, Morris County, Kansas, P.O. Box 146, Dwight, Kansas, 66849, received in this office on December 26, 2018, for approval of a change in the location of the point of diversion under Approval of Application, File No. 40,197, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated December 7, 2015, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

a battery of two (2) wells with a geographic center located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,434 feet North and 3,756 feet West of the Southeast corner of said section,

in Township 11 South, Range 6 East, Geary County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 40,197, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated November 17, 1992, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 2nd day of April, 2019, at Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2nd day of April, 2019, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture

Danielle Wilson
Notary Public



CERTIFICATE OF SERVICE

On this 2nd day of April, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 40,197, dated April 2nd, 2019 was mailed postage prepaid, first class, US mail to the following:

RWD NO 1 MORRIS COUNTY KS
ATTN STEPHEN L EULER
PO BOX 146
DWIGHT KS 66849

With photocopies to:

Topeka Field Office

Danielle Wilson
Division of Water Resources

Water Resources
Received

DEC 26 2018

KS Dept of Agriculture

State of Kansas

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 40,197

2. Name of applicant: RURAL WATER DISTRICT NO 1 - MORRIS COUNTY

Address: PO BOX 146

City, State and Zip: DWIGHT, KS 66849

Phone Number: (785) 482-3303 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: RURAL WATER DISTRICT NO 1 - MORRIS COUNTY

Address: PO BOX 146

City, State and Zip: DWIGHT, KS 66849

Phone Number: (785) 482-3303 E-mail address: rwdno1@tctelco.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

To form a complete overlap in points of diversion between File Nos. 40,196 and 40,197 and create a battery of wells to allow more flexibility in the amount of water pumped from each well. This application proposes no new wells.

The change(s) (was) (will be) completed by Upon approval of the application.

(Date)

For Office Use Only:

F.O. 1 GMP --- Meets K.A.R. 5-5-1 (YES/NO) Use MUN Source G.S County MR By BAT Date 12-26-18
Code CU Fee \$ 100 TR # _____ Receipt Date 2/20/18 Check # 8140

APPLICATION COMPLETE

4/11/19
Reviewer RAIL

DEC 26 2018

4. The presently authorized place of use is:

** No Changes*

Owner of Land — NAME: _____

ADDRESS: _____

KS Dept Of Agriculture

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES					
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						

List any other water rights that cover this place of use. _____

** no/own 4/1/19*

SCANNED

6. The presently authorized point(s) of diversion is one (1) well
(Provide description and number of points)
7. The proposed point(s) of diversion is a battery of two (2) existing wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

KS Dept Of Agriculture

8. **Presently authorized point of diversion:**
 One in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 24, Township 11 South, Range 6 East (EW), in Geary County, Kansas, 1423 feet North 3903 feet West of Southeast corner of section. Authorized Rate 300 gpm Authorized Quantity 54.0 MGY
 (DWR use only: Computer ID No. 13686 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 24, Township 11 South, Range 6 East (EW), in Geary County, Kansas, 1434 feet North 3756 feet West of Southeast corner of section. Proposed Rate 300 gpm Proposed Quantity 54.0 MGY
 This point is: Additional Well Geo Center List other water rights that will use this point File No. 40,196

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
No wells would be abandoned with approval of this application.

12. The presently authorized use of water is for Municipal purposes.
It is proposed that the use be changed to Municipal (no change) purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No change in place of use and/or use made of water is being proposed. Approval of the applicatoin would not result in an increase in consumptive use.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (N/A c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

The application proposes to form a complete overlap between two existing files and their existing wells.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Water Resources
Received

DEC 26 2018

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Dwight, Kansas, this 26th day of December, 2018.

Alan L. Ecker
(Owner)

(Spouse)

Stephen L. Ecker
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

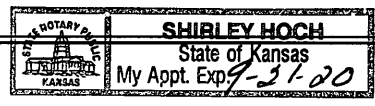
(Please Print)

State of Kansas)
County of Morris) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of December, 2018.

My Commission Expires September 21, 2020

Shirley Hoch
Notary Public



FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Water Resources
Received

DEC 26 2018

SCANNED
KS Dept Of Agriculture

Attachment
Applications to Change the Points of Diversion
File Nos. 40,196 and 40,197

The location of the proposed point of diversion is:

A battery of two (2) wells with a geographic center located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1434 feet North and 3756 feet West of the Southeast corner of said section, in Township 11 South, Range 6 East, Geary County, Kansas.

The locations of individual wells are as follows:

Existing well #1:

One (1) well in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1423 feet North and 3903 feet West of the Southeast corner of said section, in Township 11 South, Range 6 East, Geary County, Kansas. (DWR PDIV ID 13686)

Existing well #2:

One (1) well in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1445 feet North and 3608 feet West of the Southeast corner of said section, in Township 11 South, Range 6 East, Geary County, Kansas. (DWR PDIV ID 42131)

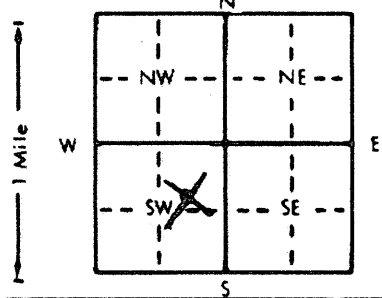
SCANNED

1 LOCATION OF WATER WELL: Fraction SW 1/4 NE 1/4 SW 1/4 Section Number 24 Township Number T 11 S Range Number R 6 E

County: Geary Distance and direction from nearest town or city street address of well if located within city? 4 miles East & 3 1/2 Miles North of Grandview Plaza

2 WATER WELL OWNER: Morris County RWD #1 RR#, St. Address, Box #: c/o Bartlett & West Engineers City, State, ZIP Code: Topeka, KS Board of Agriculture, Division of Water Resources Application Number: 40,197

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: 4 DEPTH OF COMPLETED WELL: 59 ft. ELEVATION:



Depth(s) Groundwater Encountered 1. 11 ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL 11 ft. below land surface measured on mo/day/yr 7-24-93
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield 1000 gpm: Well water was to 17 ft. after 24 hours pumping 450 gpm
 Bore Hole Diameter 30 in. to 60 ft., and in. to ft.
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED: 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded
 2 PVC 4 ABS 7 Fiberglass Threaded
 Blank casing diameter 12 in. to 43 ft. Dia. in. to ft. Dia. in. to ft.
 Casing height above land surface 60 in. weight 54 lbs./ft. Wall thickness or gauge No. 375

TYPE OF SCREEN OR PERFORATION MATERIAL: 7 PVC 10 Asbestos-cement
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify)
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 1 Continuous slot 100 3 Mill slot 6 Wire wrapped 9 Drilled holes
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify)

SCREEN-PERFORATED INTERVALS: From 4.3 ft. to 5.9 ft. From ft. to ft.
 From ft. to ft. From ft. to ft.
 GRAVEL PACK INTERVALS: From 2.0 ft. to 5.9 ft. From ft. to ft.
 From ft. to ft. From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout intervals: From 0 ft. to 20 ft. From ft. to ft. From ft. to ft.

What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below) Creek
 Direction from well? East How many feet? 1000 ft

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	4	Top Soil			
4	16	Silty Brown Clay			
16	28	Brown Clay			
28	33	Gray Clay			
33	35	Gray Clay with Chert			
35	57	Chert-Very Course			
57	57 1/2	Limestone			
57 1/2	60	Gray Shale			

Water Resources Received
 DEC 26 2010
 KS Dept Of Agriculture

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 7-28-93 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 138 This Water Well Record was completed on (mo/day/yr) 8-18-93 under the business name of Peterson Irrigation Inc. by (signature) Mike Peterson

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

Krueger, Richelle [KDA]

From: Tietsort, Katie [KDA]
Sent: Friday, March 29, 2019 2:19 PM
To: Krueger, Richelle [KDA]
Cc: Bunger, Brett [KDA]; Smith, Tyler [KDA]
Subject: RE: Request for Recommendation Change in PD File Nos. 40196 and 40197 Morris County RWD No. 1

Good Afternoon Richelle,

The TFO agrees with your recommendation for approval of the referenced change applications which will create a 2 well battery out of the 2 single well files and will provide greater pumping flexibility for the RWD to pump their water rights, as discussed in the civil penalty settlement call on October 24, 2018. This accomplishes the requests of that call.

Thanks! Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Krueger, Richelle [KDA]
Sent: Thursday, March 28, 2019 12:41 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: Request for Recommendation Change in PD File Nos. 40196 and 40197 Morris County RWD No. 1

Hi Katie,
Attached is a draft memo for the referenced changes in pd, do you recommend approval?

Thanks,
Richelle

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

RURAL WATER DISTRICT NO 1 - MORRIS CO
PO BOX 146
DWIGHT, KS 66849

January 3, 2019

RE: File No 40197

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

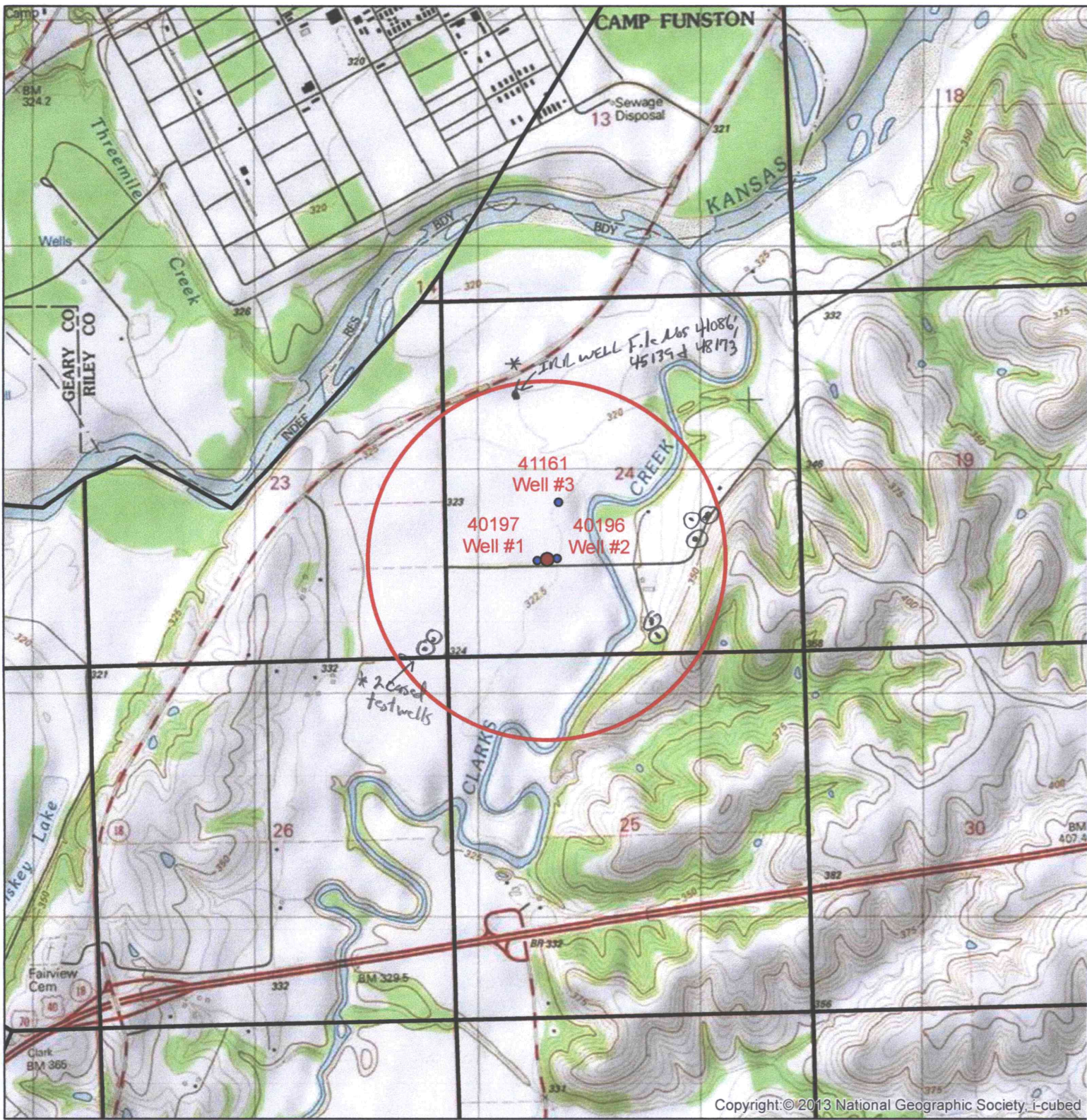
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

SCANNED

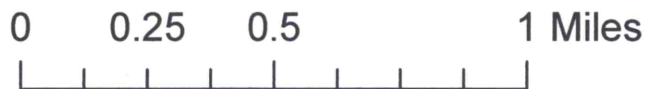


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Point of Diversion Change Application - File No. 40,197

Legend

- * Domestic Wells
- Morris RWD 2 Wells
- Proposed Geographic Center
- Half-Mile Buffer
- Section Lines



KDA/DWR File Nos. 40,196, 40,197 and 41,161
 Authorized Water Well Locations Water Resources Received

Map prepared by:
 Kenneth A. Kopp, P.G.
 Kansas Rural Water Association
 August 14, 2018

DEC 26 2018

* well locations per WWC-5, WRAIS + Application File No 40197 Map * DK/KWR 4/1/19 **SCANNED** KS Dept Of Agriculture

Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,360.22 AF.

Total prior appropriations in the circle is 888.14 AF. $+ 450.02 = 1332.16$ AF

Total quantity of water available for appropriation is 1,472.08 AF.

KAR 5-2-3
Change in PD
40196 + 40197

Safe Yield Variables

The area used for the analysis is set at 4,605 acres.

The potential annual recharge at the circle center is estimated to be 8.2 inches.

The percent of recharge available for appropriation is 75%.

1022.06 AF available currently
 $+ 331.44$ (40196 + 40197)

 1353.50 SAF ~~WR~~
 $- 165.72$ (41161)

 1187.78 AF available Without 40196 + 40197

Would meet
Safe yield
KAB/DWR 3/27/19

Authorized Quantity values are as of 27-MAR-2019 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 10 water rights and 8 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 29853 00	IRR	NK	G					3942	1454	22	11	06E	5	WR	90.00	90.00	173.00	173.00
A 40196 00	MUN	NK	G		SW	NE	SW	1445	3608	24	11	06E	5	WR	165.72	165.72		
A 40197 00	MUN	LR	G		SW	NE	SW	1423	3903	24	11	06E	3	WR	165.72	165.72		
A 41086 00	IRR	NK	G		NE	SW	NW	3939	4131	24	11	06E	9	WR	27.00	27.00	160.00	0.00
A 41161 00	MUN	LR	G		NW	NE	SW	2272	3565	24	11	06E	7	WR	165.72	84.70 84.72		
A 45139 00	IRR	NK	G		NE	SW	NW	3939	4131	24	11	06E	9	WR	43.00	✓ 16.00	160.00	0.00
A 45720 00	IRR	NK	G					4043	1366	27	11	06E	2	WR	146.00	146.00	142.00	142.00
A 46985 00	IRR	MM	G					2127	2720	27	11	06E	7	WR	360.00	0.00 360	142.00	0.00
A 48173 00	IRR	MM	G		NE	SW	NW	3939	4131	24	11	06E	9	WR	176.00	43.00 133	160.00	0.00
A 48974 00	IRR	LO	G		NE	SE	SW	950	3085	22	11	06E	6	WR	150.00	150.00	280.70	280.70

Limitations

File Number	Seq Num	Limitations
A 40197 00	1	300GPM COM/W #40196 ON LAND LISTED IN APPROVAL
A 41161 00	1	416.16AF/YR (135.6MGY) COM/W #40196 & 40197
A 45139 00	2	43AF/YR @ 775GPM COM/W #41086
A 46985 00	1	568AF/YR COM/W #40876, 41367, 46983 & 46984
A 48173 00	1	176AF/YR COM/W #19175, <u>41086</u> , 41619 & <u>45139</u>
Same	2	1200GPM COM/W #41086 & 45139

$-127.7 + 577.72$

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 24-11S-06E
Footages from SE corner- 1,434 feet North 3,756 feet West

